

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel N. Duncan, Alexander N. Svoronos, Thomas J. Miller  
Assignee: Austin Logistics Incorporated  
Title: Method and System for Scheduling Inbound Inquiries  
Serial No.: 09/547,627 Filed: April 12, 2000  
Examiner: B. Bui Group Art Unit: 2642  
Docket No.: 066416.0103

BOX AF  
COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

REPLY BRIEF UNDER 37 CFR § 1.193

Dear Sir:

Applicants submit this Reply Brief pursuant to the Examiner's Answer mailed in this case on November 5, 2002. It is believed that no fees are due in connection with the filing of this Reply Brief, however, the Commissioner is authorized to deduct any amounts required for this Reply Brief and to credit any amounts overpaid to Deposit Account. No. 502264.

Applicants have again carefully reviewed Walker and find the reference completely devoid of any literal reference to the terms model, probability, forecast, probability of a purchase, predicted hold time, regression analysis, or optimization. These terms are simply absent from Walker. Since the Examiner has failed to provide any basis for a rejection under the Doctrine of Inherency, Applicants' claims should issue without delay.

The Examiner suggests that Walker re-orders the position of calls based on "historical or past economic value (column 3, line 64 through column 4, line 8) since a high historical or past economic value *may* provide high economic outcome of the current call." The Examiner misreads Walker and, in any event, fails to provide a basis for rejection of the claims as anticipated. Walker discloses that "customer status is indicative of a level of importance of the calling customer." (3:67 - 4:1) However, customer status is only one factor in Walker's economic value. Walker clearly states that economic value is one or more of "total number of

items to be ordered, a total dollar amount of the order *and/or* the profitability of the order," plus the status of the customer. (3:64-67) No basis exists to conclude that large historical orders are used by Walker to predict the outcome of a call or even that a correlation *necessarily* exists between economic value and call outcome. Indeed, Walker presents no need to predict the probability of a call resulting in a purchase as the Examiner suggests since the customer has already input the purchase information. Therefore Walker cannot anticipate Applicants' claimed invention either literally or under the Doctrine of Inherency.

Applicants do not understand the Examiner's statements that Applicants' specification contradicts Applicants' arguments and that "neither Walker nor Appellants' claimed invention is 100% accurate on all predictions when the predictions are based on 'history' or 'calls received in recent period of time.'" Applicants' specification describes the use of information received from a VRU as predictive variables applied to a model for predicting an outcome of a call. No contradiction exists between Applicants' arguments and specification. Walker does not disclose, teach or suggest the use of information received from a VRU as predictive variables to forecast or predict an outcome of a call as described by the Specification referenced by the Examiner. Indeed, Walker makes no predictions or forecasts and computes no probabilities.

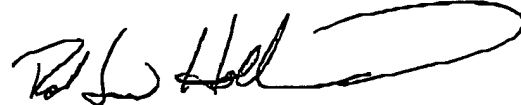
For the above reasons, Applicants respectfully submits that the Examiner's rejections of Claims 1-50 are unfounded and should be reversed.

I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9315, addressed to Box AF, COMMISSIONER FOR PATENTS, Washington, D.C. 20231, on January 6, 2003.

  
Attorney for Applicants

6 Jan 2003  
Date of Signature

Respectfully submitted,

  
Robert W. Holland  
Attorney for Applicants  
Reg. No. 40,020

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**HAMILTON & TERRILE, LLP**

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TO: Pamela Bennett  
USPTO

FACSIMILE NO.: 703-308-7953  
TELEPHONE: 703-305-4676

FROM: T. Munoz for R. Holland  
(Reg. No. 40,020)

SUBJECT: Reply Brief for USSN 09/547,627

This transmittal consists of 7 page(s), including this cover sheet.

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MESSAGE:

Dear Ms. Bennett – Attached is the Reply Brief filed 1/6/03 and accompanying fax documentation you requested.

Please let me know if you need anything else.

Thank you.

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Docket No.: 066416.0103

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter; and
- (2) Reply Brief.


The Commissioner is authorized to deduct any amounts due or credit any overpayment to  
Deposit Account No. 502264.

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COMMISSIONER FOR PATENTS, Washington, D.C. 20231, on  
January 6, 2003.

  
Attorney for Applicant(s)

6 Jan 2003  
Date of Signature

Respectfully submitted,

  
Robert W. Holland  
Attorney for Applicants  
Reg. No. 40,020